IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3439 OF 2005

The State of Maharashtra .... Applicant

Versus

Ashwinkumar Chandrakant Sonawane .... Respondent

Mr. S.R. Shinde, APP for the Applicant

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) Heard learned APP for the State. The acquittal of the Respondent is for the offences punishable under Sections 279, 304-A of the Indian Penal Code. I have perused the impugned Judgment, as well as the record and proceeding. There is no eye witness to the incident. There is no evidence on record to show that vehicle was being driven by the Respondent in rash and negligent manner. The view taken by the learned Judicial Magistrate First Class is certainly a possible view which could have been taken on the basis of the evidence on record. No case is made out. Application is rejected.

(A.S. OKA, J.)